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VENDOR ETHICS IN ILLINOIS





VENDOR ETHICS IN ILLINOIS

This guide has been designed by the Illinois Executive Ethics Commission to help vendors and other entities familiarize themselves with key elements of Illinois ethics laws as they apply to people doing business with State government.

The guide is not intended to serve as formal advice or as a substitute for legal counsel. It provides general information only. It does not address every ethics restriction in the laws and rules it summarizes. Individual State agencies may have additional and more restrictive ethics rules.



GENERAL STANDARDS

As a private sector entity doing business with a State agency, you must not:

- Intentionally offer or make a gift in violation of 5 ILCS 430/10-10 to a State employee, or his or her spouse or immediate family member living at home.
- Employ a former State officer or employee for one year after the employee terminates State employment, if he or she was personally and substantially involved in either a decision to award you a contract in excess of \$25,000, or a regulatory or licensing decision that directly applied to you. 5 ILCS 430/5-45.

- Offer or pay any thing of value to any person not to bid for a State contract or as recompense for not having bid on a State contract. 30 ILCS 500/50-25.



THE GIFT BAN

Gifts, favors or entertainment are not needed in order to conduct business with the State of Illinois and may lead or appear to lead to a conflict of interest.

Persons or entities that seek to do business with the State are “prohibited sources” with respect to the State employee involved, that employee’s State agency or any other employee who directs the employee. Prohibited sources may not make gifts to these employees or to their spouses or immediate family members living at home unless the gift fits one of twelve exceptions found at 5 ILCS 430/10-15.

Example: Trees-ease, Inc. has submitted a bid in response to a Request for Proposal to trim trees located on State property. Trees-ease, Inc. is a prohibited source with respect to the State purchasing officer, his or her agency and certain other employees of the agency. Trees-ease, Inc. may not offer or make a gift to any of these employees or their spouses or immediate family members living at home unless the gift fits one of the twelve exceptions.



THE REVOLVING DOOR PROHIBITIONS

All State officers and employees who, in the year prior to termination of State service, either:

- participated personally and substantially in the decision to award State contracts with a cumulative value of over \$25,000 to their prospective employer, or
- made regulatory or licensing decisions about their prospective employer,

may not accept employment or compensation from the employer, its parent or subsidiary for one year following their termination of State service, unless the Executive Ethics Commission grants a waiver. Without such a waiver, the former officer's or employee's spouse and immediate family members living with him or her are likewise prohibited from accepting employment or compensation from this prospective employer for one year. 5 ILCS 430/5-45.

Procurement officers, purchasing officers, and executive officers confirmed by the Senate who served in these positions for at least six months may not engage in any procurement activity related to their former State agency for two years after terminating their position. 30 ILCS 500/50-30.

Employees of certain State agencies face similar prohibitions. For example, the Illinois Commerce Commission commissioners are prohibited from, among other things, accepting employment from a regulated utility for a period of one year following termination of services with the Commission. 220 ILCS 5/2-103(c). Other agencies may have similar prohibitions. You may wish to consult an attorney or the Executive Ethics Commission before hiring any former State employees.



INDUCEMENTS NOT TO BID ON A STATE CONTRACT

It is illegal to offer, pay or accept money or any other thing of value as an inducement not to bid on a State contract or as recompense for not having bid. 30 ILCS 500/50-25.



PENALTIES

Failing to comply with the provisions of the Ethics Act, like all federal, state and local laws, is grounds for terminating a contract. Violating the gift ban is a business offense and subjects an offender to a fine of at least \$1001 and up to \$5000. Persons who accept or offer inducements not to bid on State contracts are guilty of a Class 4 felony.

For more information, see the Commission's web site at www.illinois.gov/eec or telephone the Commission at (217) 558-1393.

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Printed by Authority State of Illinois
9/05-3,000

